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PATENT

#6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Michael M. Thackeray et al. EV347075778US

Title : SYNTHESIS OF INTERMETALLIC NEGATIVE  
ELECTRODES FOR LITHIUM CELLS AND BATTERIES

Serial No. : 09/943,966

Filing Date : August 31, 2001

Date : January 19, 2004

Docket No. : 220

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being forwarded,  
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Commissioner for Patents, MAIL STOP P.O. Box 1450,  
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1/20/2004  
Date of Facsimile Transmission

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO REINSTATE**  
**ABANDONMENT OF APPLICATION UNDER §1.137(b)**

SIR:

This is a petition to revive the above-identified patent application

In response to the Notice of Abandonment dated December 19, 2003,  
applicants, through their attorneys, respond as follows:

On February 21, 2002, attorneys for applicant filed, via Express Mail No. EL  
858809632 US, a response to the Notice to File Missing Parts mailed January 30,  
2002. A copy of the Response is enclosed along with a copy of the return receipt  
postcard showing a receipt date in the PTO of February 21, 2002.

Upon review of the enclosed documents, granting of this petition is respectfully  
requested and no additional fee is due.

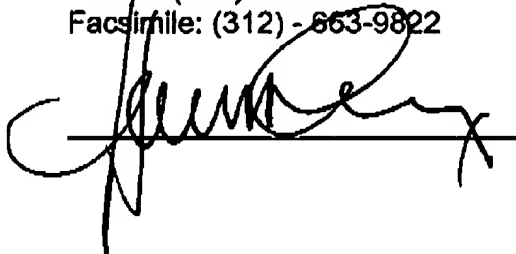
Thackeray et al.  
Serial No. 09/943,966  
Filed: 08/31/2001

The Commissioner is requested to charge any additional fees or credit any overpayments incident to the filing of this Petition to Deposit Account No. 05-1060. A duplicate copy of this Petition is enclosed.

January 17, 2004

Respectfully submitted,

Harry M. Levy, Esq.  
Emrich & Dithmar  
300 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Phone: (312)-663-9800  
Facsimile: (312) - 663-9822

A handwritten signature in black ink, appearing to read "Harry M. Levy", is written over a horizontal line.

**PATENT ANL-IN-00-120 (220)**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher S. Johnson, et al.  
Serial No. : 09/943,966 **EL 858809632US**  
Filed : August 31, 2001  
Title : SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR  
LITHIUM CELLS AND BATTERIES  
Date : February 19, 2002

**COMMUNICATION FORWARDING**  
**SIGNED DECLARATION, POWER OF ATTORNEY****VIA EXPRESS MAIL NO. EL 858809632 US**Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: BOX MISSING PARTS

Sir:

Enclosed is the executed Declaration, Power of Attorney for the above application.

Please substitute the enclosed signed Declaration for that presently on file in the above application. Our check in the amount of \$65.00 is enclosed.

The Commissioner is hereby authorized to charge any additional amount due or credit any overpayment in connection with this matter to Deposit Account No. 05-1060. A duplicate copy of this Communication is enclosed.

Respectfully submitted,

EMRICH & DITHMAR  
Attorneys for Applicants  
300 South Wacker Drive, Suite 3000  
Chicago, Illinois 60608  
(312) 663-9800Dated: 2/19/02By Harry M. Levy  
Reg. No. 24,246**CERTIFICATE OF EXPRESS MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, before the next scheduled pick-up, postage prepaid, in an envelope addressed to U.S. Patent and Trademark Office, Assistant Commissioner for Patents, Washington, D.C. 20231 on 2/19/02EL 858809632US

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EL 858809632 US



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FROM: (PLEASE PRINT) PHONE <b>EMRICH &amp; DITHMAR</b> <b>300 S WACKER DR STE 3000</b> <b>CHICAGO IL 60606-6703</b> Harry M. Levy, Esq. LANL Case220		TO: (PLEASE PRINT) PHONE Assistant Commissioner for Patents Washington, D.C. 22202 ATTN: BOX MISSING PARTS	
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**EMRICH & DITHMAR**

Chicago, Illinois

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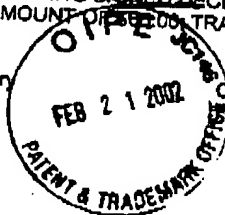
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Argonne National Laboratory  
Serial No. 09/943,966



Case 220  
Filed: August 31, 2001

Joint  
ANL-IN-00-120 (220)

**DECLARATION, POWER OF ATTORNEY  
AND CORRESPONDENCE ADDRESS**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to our name.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES, the specification of which is attached hereto and identified as Application Serial No. 09/943,966 filed August 31, 2001 (filing particulars to be inserted when received).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of the claims in this application in accordance with 37 CFR §1.56(a), including all information known to me to be material to patentability as defined in 37 CFR §1.56.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Mark D. Hilliard (Reg. No. 30,463); Harry M. Levy (Reg. No. 24,248); Paul L. Brown (Reg. No. 27,184); James J. Hill (Reg. No. 24,287), Thomas E. Hill (Reg. No. 28,955) and Jonathan J. Krit (Reg. No. 37,164).

Address all telephone calls and correspondence to:

Harry M. Levy, Esq.  
Emrich & Dithmar  
300 South Wacker Drive-Suite 3000  
Chicago, Illinois 60606  
(312) 663-9800

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

Joint  
ANL-IN-00-120 (220)

under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10/4/01

Michael M. Thackeray  
Michael M. Thackeray

Residence and Post Office Address  
1763 Cliffside Court  
Naperville, IL 60565  
Citizen of South Africa

Dated: 10/4/01

Christopher S. Johnson  
Christopher S. Johnson

Residence and Post Office Address  
1933 Lisson Road  
Naperville, IL 60565  
Citizen of the United States of America

**EMRICH & DITHMAR LLC**

ATTORNEYS AND COUNSELORS

SUITE 2080

125 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606-4401, USA

TEL: 312-663-9800

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PAUL L. BROWN  
JAMES J. HILL  
HARRY M. LEVY  
ROBERT R. CALIRI  
THOMAS E. HILL  
JONATHAN J. KRIT  
HELEN S. CORDELL  
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AND RELATED LITIGATION**RECEIVED**  
**CENTRAL FAX CENTER****AUG 16 2005****TELECOPIER****TRANSMITTAL SHEET****OFFICIAL PAPER****To:** Director for Patents  
U.S. Patent and Trademark Office  
Telecopier No. 1-571-273-8300**From:** Harry M. Levy, Esq.  
EMRICH & DITHMAR LLC  
Telecopier No. 312-663-9822**Date:** August 16, 2005 **Time:****No. of Pages (including this sheet):** 13**Comments:** Michael M. Thackeray et al.  
Docket No. ANL 220  
Serial No. 09/943,966  
Filed: August 31, 2001

Please inform the attorney of record in the above application as to the status of the above-identified application.

A Petition to Reinstate Abandonment of Application was mailed in this case on January 20, 2004, copies attached hereto.

**\*\*\*\*\*CONFIDENTIALITY NOTE\*\*\*\*\***

The documents accompanying this telecopy transmission contain information from the law firm of Emrich &amp; Dithmar which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.



Chicago, Illinois

EXPRESS MAIL NO. EV 347075778 US  
January 20 2004

HML

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id

The Stamp of the U.S. Patent and Trademark Office hereon may be taken as an acknowledgement of the receipt on the date stamped of:  
Petition to Reinstate Abandonment of Application Under §1.137(b);  
Copy of Return Receipt Postcard From PTO Dated February 21, 2002;  
copy of Communication Forwarding Signed Declaration, Power of Attorney Dated February 21, 2002; Return Receipt Postcard  
Client: ARGONNE NATIONAL LABORATORY  
Case No. 220  
Serial No. 09/943,966

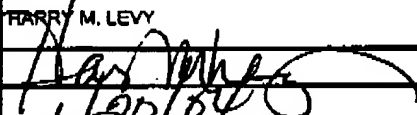
Filed: August 31, 2001

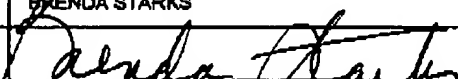
PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/943,988
	Filing Date	August 31, 2001
	First Named Inventor	Michael M. Thackeray et al.
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	ANL 220

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>RETURN RECEIPT POSTCARD</b>
Remarks Petition to Reinstate Abandonment of Application Under Section 1.137(b) and copy of Response filed		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	HARRY M. LEVY	
Signature		
Date	1/20/04	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	BRENDA STARKS	
Signature		Date 1/20/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0351-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number 09/843,966  
 Filing Date August 31, 2001  
 First Named Inventor Michael M. Thackeray  
 Examiner Name  
 Art Unit  
 Attorney Docket No. ANL 220

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

05-1060

Emrich and Dithmar

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the designated deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 280	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,000*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 650	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1490 130	1490 130	Petition to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(e)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## AUTHORITY

Name (Print/Type) HARRY M. LEVY Registration No. 24,248 Telephone 312-883-9800  
 Signature Date 1/24/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/943,966	08/31/2001	Michael M. Thackeray	220

EMRICH & DITHMAR  
ATTORNEYS AND COUNSELORS  
SUITE 3000  
300 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

CONFIRMATION NO. 1578  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000011533408\*

Date Mailed: 12/19/2003

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/30/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*[Signature]*

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Initial Patent Examination Division (703) 308-1202

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